

REMARKS

Claims 1-20 are pending in the application. The Examiner has rejected claims 1-20. Applicant has amended claims 1-12 and 17-18 to more clearly define the present invention. Reconsideration of the above-identified application is respectfully solicited on behalf of the Applicant.

Objections to Drawings

The objection to the informal drawings filed with the case is hereby noted. The Examiner is respectfully requested to hold the informal drawing objections in abeyance until such time as allowable subject matter is indicated.

Objection to the Specification

The Examiner has objected to the abstract of the disclosure because it is too short. Applicant has amended the abstract to include additional details regarding the present invention. Applicant respectfully submits the amended abstract overcomes the Examiner's objection.

Claim Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 1-10 under 35 U.S.C. § 101 because the claims invention is alleged to be directed to non-statutory subject matter. Applicant respectfully traverses the rejections. Applicant has amended claim 1 to indicate clearly that electronic tax return data comprising a tax refund amount is used to transfer at least a portion of the tax refund amount to an account that is established

to accept an electronic funds transfer. The electronic funds transfer account is established in accordance with an assignment by the taxpayer. Applicant respectfully submits that amended claim 1 overcomes the Examiner's rejections of claims 1-10. Applicant respectfully submits that amended claim 1 is directed to statutory subject matter and that claims 2-10 which depend from are directed to statutory subject matter.

The Examiner has further rejected claims 16 and 17 as being directed to printed matter. Applicant respectfully traverses the rejections. Claim 16 is a dependent claim directed to a specific type of taxing authority. Applicant respectfully submits that claim 16 is not directed to printed matter and therefore, the rejection must be withdrawn. Applicant has amended claim 17 to indicate that the electronic tax return data may be obtained from an IRS tax form. Applicant respectfully submits that amended claim 17 is not directed to printed matter and therefore, the rejection must be withdrawn.

Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 2, 3, and 12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 2, 3, and 12 as suggested by the Examiner. Applicant respectfully submits that the amended claims overcome the Examiner's rejections.

The Examiner has further rejected claims 4-7 and 9-10 for failing to further limit the invention because there is no structure or apparatus in nature recited in

these claims. Applicant respectfully traverses the rejections. Applicant has amended claim 4 to relate to the account for accepting an electronic funds transfer and claims 5-7 and 9-10 to relate to the electronic tax return data. Applicant respectfully submits that the amended claims overcome the Examiner's rejections.

35 U.S.C. § 103(a)

The Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Longfield in view of Hagemier. It is the Examiner's position that it would be obvious to combine the system of Longfield with the credit card of Hagemier to obtain the present invention. Applicant respectfully traverses the rejections. Applicant has amended claims 1 and 11 to indicate clearly that spending vehicles are issued to taxpayers in accordance with electronic tax return data comprising the tax refund amount. The spending vehicle issued to the taxpayer is based on the tax refund amount. Applicant respectfully submits that the credit card of Hagemier cannot be combined with the system of Longfield to obtain the present invention.

Longfield discloses a system for processing a loan application in conjunction with filing an electronic tax return so that an electronic deposit/loan account is created for the tax filer at an authorized credit institution. Deposit/loan accounts may be set up only with authorized financial institutions. Hagemier discloses a credit card for tracking purchases to determine whether a value-added tax (VAT) is due to a taxing authority. Each time a card holder makes a purchase, the tax associated with the purchase is recorded. An individual who makes purchases in a country that

collects a VAT does not know whether he or she will have a tax obligation until he or she is ready to leave the country. The Hagemier card provides a convenient mechanism for tracking purchases and therefore, determining the amount of the purchaser's tax obligation. If at the end of a visit, no taxes are owed to the country from which the purchaser is departing, the purchaser may obtain a credit equal to the amount accumulated on the card.

Applicant respectfully submits that the Hagemier card is not a spending vehicle as disclosed by Applicant and therefore, the Hagemier reference cannot be combined with the Longfield reference to support the present rejections. The Hagemier card is not a spending vehicle as disclosed by Applicant. The Hagemier card is not associated with an account established for a taxpayer in accordance with electronic tax return data. In Hagemier, there is no electronic tax return data including a tax refund amount that supports the spending vehicle. Instead, purchases are tracked using the card. An individual incurs a tax obligation only if the purchases exceed a threshold value and other requirements for incurring an obligation are met. Furthermore, the individual cannot obtain a credit unless purchases are made and the level of purchases does not exceed the threshold value. Applicant, therefore, respectfully submits that the Hagemier card is not a spending vehicle as disclosed by Applicant, and that the Hagemier reference cannot be combined with the Longfield reference to support the present rejections. Applicant respectfully submits that claims 1 and 11 patentably define the present invention and that claims 2-10 and 12-20 which depend from claims 1 and 11 respectively further define the present invention.

Applicant respectfully submits the above claim amendments and remarks overcome the Examiner's rejections. Applicant respectfully submits claims 1-20 are allowable. In light of the above remarks, it is respectfully submitted that the present application is now in condition for allowance and such action is earnestly requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The abstract on page 12 has been amended as follows;

A tax refund system is disclosed in which in exchange for a taxpayer assigning all or a portion of his or her tax refund ~~due~~, a participating provider ~~will~~ provides to the taxpayer a spending vehicle ~~to the taxpayer which has with~~ buying power at participating outlets. Tax return data for an individual's tax return is processed by the IRS. A taxpayer consents to using a portion of the tax return data to acquire a spending vehicle from a financial institution of the taxpayer's choosing. Using a portion of the tax return data, the IRS arranges to electronically transfer an amount related to the taxpayer's refund to an account at the financial institution selected by the taxpayer. A taxpayer then receives a spending vehicle such as a credit, debit, or cash card, spending account, coupon, or rebate from a financial institution or other spending vehicle provider such as a retailer, service provider, wholesaler, distributor, or entertainment entity.

IN THE CLAIMS:

The claims have been amended as follows:

1. (Amended) A tax refund system, comprising:
a ~~electronic~~ tax return ~~completed data~~ for a taxpayer, said tax return data comprising a tax refund amount;

~~a tax refund amount indicated by said tax return for said taxpayer;~~
an assignment of at least a portion of said tax refund amount to a spending vehicle provider;
an account for accepting an electronic transfer of said at least a portion of said tax refund amount, said account established in accordance with said assignment;
and
a spending vehicle issued on behalf of said taxpayer in an amount related to ~~the amount assigned to said spending vehicle provider~~ said at least a portion of said tax refund amount.

2. (Amended) The system of claim 1, wherein said spending vehicle ~~is selected from the group consisting of~~ consists of one of the following: a credit card, debit card, gift card, cash card, checking card, checking account, coupon, voucher, rebate certificate, discount, discount certificate, spending account, electronic spending account, and e-wallet.

3. (Amended) The system of claim 1, wherein said spending vehicle provider ~~is selected from the group consisting of~~ consists of one of the following: a government entity, product retailer, wholesaler, distributor, manufacturer, service provider, publisher, travel entity, entertainment entity, financial institution, insurance institution, brokerage institution, global computer network and online business, publisher, and a consortium of companies.

4. (Amended) The system of claim 1 ~~further comprising:~~ wherein said account is a financial institution account for initially receiving said taxpayer refund amount.

5. (Amended) The system of claim 1, ~~further comprising:~~

~~a tax preparation company for electronically filing said taxpayer's tax return with the IRS, wherein said electronic tax return data is obtained from a tax return preparation company.~~

6. (Amended) The system of claim 5, ~~further comprising:~~
wherein said tax preparation company takes a tax preparation service payment taken from said tax refund amount.
7. (Amended) The system of claim 1, wherein said electronic tax return data is ~~for use with~~ is obtained from one of the groups consisting of a federal taxing authority, state taxing authority, and local taxing authority.
8. (Amended) The system of claim 1, wherein said electronic tax return data is from an electronic form.
9. (Amended) The system of claim 1, wherein said electronic tax return data is ~~created entered~~ telephonically.
10. (Amended) The system of claim 1, wherein said tax refund amount indicated by said electronic tax return data for said taxpayer is issued by a taxing authority.
11. (Amended) A method of providing a tax refund amount to a taxpayer, comprising:
~~preparing~~ obtaining electronic a tax return data, said tax return data comprising a tax refund amount;
~~filing said tax return with a taxing authority;~~
assigning at least a portion of said tax refund amount to a third party;
transferring said at least a portion of said tax refund amount to an account for said third party; and

providing a spending vehicle to said taxpayer in an amount related to the tax refund amount assigned to said third party.

12. (Amended) The method of claim 11, wherein said spending vehicle ~~is a member of the group consisting of~~ consists of one of the following: a credit card, debit card, checking card, electronic account, coupon, voucher, rebate certificate and store account.

17. (Amended) The method of claim 11, wherein said tax return ~~form~~ data is obtained from is an Internal Revenue Service form.

18. (Amended) The method of claim 11, wherein said ~~preparing a tax return~~ data is obtained ~~is accomplished~~ with the assistance of a tax return preparer.